



**CITY OF SUNNYVALE
REPORT
Planning Commission**

July 11, 2005

SUBJECT: **2004-0734 – South Peninsula Hebrew Day School /**
Starkweather Bondy Architecture, LLP [Applicant] **South**
Peninsula Hebrew Day School [Owner]: The property is
located at **1030 Astoria Drive** (near S. Bernardo Ave) in a P-
F (Public Facility) Zoning District:

Motion Application for a Use Permit on a 4.3-acre site to
accommodate an expanded library and computer lab, an
addition to the existing administrative building, and to
construct a new free-standing sanctuary.

REPORT IN BRIEF

Existing Site Private School and related activities
Conditions

Surrounding Land Uses

North	Single Family Residential
South	San Antonio Park
East	San Antonio Park and Single Family Residential
West	Single Family Residential

Issues Parking
Neighborhood concerns with multiple uses

Environmental A Mitigated Negative Declaration has been prepared in
Status compliance with California Environmental Quality Act
provisions and City Guidelines.

Staff Approve with Conditions
Recommendation



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	School	Same	School
Zoning District	Public Facility (PF)	Same	Public Facility (PF)
Lot Size (s.f.)	189,050	Same	N/A
Lot Size (acres)	4.34	Same	N/A
Gross Floor Area (s.f.)	28,058	46,437	max.
Gross Lot Coverage (s.f.)	28,058	40,645	max.
Floor Area of proposed Admin and library – total	0	12,662	N/A
<i>Floor Area of proposed Admin and library – 1st flr</i>	0	5,792	N/A
<i>Floor Area of proposed Admin and library – 2nd flr</i>	0	6,870	N/A
Floor Area of proposed sanctuary	0	5,717	N/A
Lot Coverage (%)	14.8%	21.1%	45% max. (for R-1*)
Floor Area Ratio (FAR)	14.8%	24.6%	45% max. (for R-1*)
No. of Buildings On-Site	6	7	by Use Permit
Building Height (ft.)	16' max.	36' 6"***	30 max.(for R-1**)
No. of Stories	1	2	2 max. (for R-1**)
Setbacks (Facing Property)			
• Front	50	50	23.5** min.
• Left Side	10	10	9.5** one side (18.5** total) min.
• Right Side	53	30	9.5** one side (18.5** total) min.
• Rear	25	25	23.5** min.
Landscaping (sq. ft.)			
• Total Landscaping	98,863	86,295	37,810 min.
• <i>Hardscape/playgrounds (in addition to landscape)</i>	60,510	60,510	N/A
• % Based on Floor Area	352%	185%	10% min.
• % Based on Lot Area	52%	46%	20% min.
• Buffer (ft.) Adj. Residential	53	30	10 ft. min.
• Parking Lot Area Shading (%)	Approx. 15%	Approx. 30%	50% min. in 15 years

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Parking			
• Total Spaces	62	83	83 min.
• Standard Spaces	60	59	49 min.
• Compact Spaces / % of Total	0	24/ 29%	29/ 35% max.
• Accessible Spaces	2	4	4 min.
• Aisle Width – one way (ft.)	24	24	12 min.
• Aisle Width – two way (ft.)	26	26	26 min.
• Bicycle Parking	6 Class II	12 Class I, 11 Class II	12 Class I and 11 Class II min.
Stormwater			
• Impervious Surface Area (s.f.)	126,690	130,110	151,240
• Impervious Surface (%)	63.8%	68.8%	80%

* Some development guidelines for a P-F Zone are based on the requirements of the strictest neighboring zoning district (R-1 for this site).

** Code requires adding 6" to setback for each foot over the maximum building height of most restrictive abutting district (R-1).

ANALYSIS

Description of Proposed Project

The existing structure and property is used for a private school. The applicant has proposed adding a second story to the existing administrative building to allow for expanded office area, a larger library and a computer lab, as well as construction of a new building to be used as a sanctuary (synagogue).

Background

The existing private school is a legal, non-conforming use that has been in operation for 25 years. The subject site and the adjacent San Antonio Park were formerly used as a public school by the Cupertino Unified School District. The South Peninsula Hebrew Day School (SPHDS) has operated as a private school on the site since 1981. The land use of the site was changed from a public to a private school site in 1981 under a lease agreement with the Cupertino School District. At the time, a Use Permit was not required. (The Zoning Code at the time noted that buildings and facilities owned, leased or operated by any public school district did not require a Use Permit.)

In 1981, the site was subdivided into two parcels. The subject site was sold to SPHDS for continued use as a private school with related activities, and the southern parcel was acquired by the City of Sunnyvale for use as a municipal park (San Antonio Park).

In 1986, the Zoning Code was modified to require any private use in the P-F Zoning district to obtain approval of a Use Permit to operate. If SPHDS had not previously leased the site from the school district, or commenced operations prior to 1986, a Use Permit would have been required. However, given the history of the site and the zoning code requirements, SPHDS operates as a legal, nonconforming use without a current Use Permit.

One other item to note is that the Cupertino School District and the City of Sunnyvale had maintained the rights to a 30 foot easement along the western boundary of the site to gain access to a well and to the municipal park. A quitclaim deed was filed in 1997 to abandon the rights to that access route. Notwithstanding, the applicant has indicated that the access way shall be maintained and the City shall have the rights to utilize the former easement for vehicle access to the park for maintenance and emergency purposes (see Attachment B, Condition of Approval 6.A).

The site is located in a low density residential area, bordered by San Antonio Park to the south and east, and by single family homes to the north and west. A convalescent home is located at the end of the block, approximately 90 feet from the subject site.

This application is similar to one that was approved 9 years ago but was not built. In 1996, SPHDS applied for a Use Permit for construction of a new library and sanctuary, totaling 6,750 square feet of new area. The application was similar, although the current application has a greater setback from the proposed sanctuary to the property line, which was one of the concerns raised during the former application process. The project was approved by the Planning Commission. The project was then appealed to the City Council, which denied the appeal and upheld the approval. The major concerns were: noise impacts of the proposed chapel that would serve up to 160 people, aesthetics of the new building, transportation and circulation congestion with an increase in use.

The applicant filed for a Building Permit in June 1997, but the permit was not finalized and expired in March 1998.

Use Permits have a two year expiration date is not exercised. The applicant filed for a one-year extension of the permit in 1998, prior to the deadline. The

extension was granted. However, the permit was not exercised prior to the end of the extended deadline, so the 1996 Use Permit expired.

In 2002, SPHDS was approved for a Use Permit and Variance to allow a new modular classroom building on the site for two years. While that permit has expired, the applicant has proposed relocating the existing module on the site and using it as a storage facility only.

The applicant applied for the Use Permit currently under consideration in September 2004. While this project is similar to the one approved in 1996, it differs in that it is larger (formerly 6,750 square feet, now 18,379 square feet), and the design of the sanctuary has some modifications of the architecture and has a greater setback from the neighboring single-family home (formerly 23 feet, now 30 feet). The application was initially deemed incomplete as staff requested submittal of a Traffic Study (see Attachment F). The study was to address neighborhood concerns regarding traffic and circulation issues raised during this application process and the prior Use Permit process.

Not allowing for the expansion of use on the site is the basis for staff support of this application. While the site is identified as a private school, it also has other uses, including a religious center and community center to some degree. The current uses were established prior to the requirement of a Use Permit and are thus considered to be legal, non-conforming uses for the site.

When the applicant proposed a similar project 8 years ago, there were several concerns raised by surrounding neighbors. Several concerns have again been raised by the neighbors during the review of this application. The issues of congestion associated with this site are further aggravated by the adjacent public park which has no parking facilities and the convalescent home located within a block of the site which occasionally has spill-over parking needs. The benefit of this undergoing this Use Permit process is that it provides an opportunity to formalize what uses are and are not permitted on the site, which may address some of the outstanding concerns that the neighbors have about current or potential uses on the site.

After the application was deemed complete, the applicant requested further postponement of the public hearing so they could conduct a neighborhood meeting (see Attachment I) and seek to address neighborhood concerns. Staff was not informed of the date of the neighborhood meeting so was not able to attend.

Based on the meeting notes provided by the applicant and the neighbors, the primary issues raised were:

- Whether current uses are allowed on the site (non-school activities),
- Changing the type of use or size of the congregation,

- Evening noise (after 10:00 p.m.) when participants are leaving meetings or services,
- Traffic congestion and parking overflow,
- Impact of proposed synagogue on mature Oak tree,
- Maintenance of “easement” (access roadway) along western boundary,
- Increased foliage to screen the synagogue and front of school, and
- Height of building.

The meeting concluded with a tour of the school ground and individual discussions.

Summary of Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing / Decision	Date
2002-0470	Use Permit and Variance to allow a new modular classroom building on the site for two years.	Administrative Hearing / Approved	7/24/02
1998-0906	Miscellaneous Plan Permit to extend the Use Permit to allow the construction of a library and chapel for 1 year.	Staff (no hearing) / Approved	7/28/98
1997-0657	Appeal of Planning Commission approval of Use Permit to allow the construction of a library and chapel	City Council / Upheld Planning Commission Approval	9/24/96
1997-0657	Use Permit to allow the construction of a library and chapel	Planning Commission / Approved	8/12/96
1985-0207	To allow an extension for trailer use	Approved	2/25/85
1985-0206	To allow a motor home for a night watchman	Denied	2/25/85

Environmental Review

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project, as mitigated, would not create any significant environmental impacts (see Attachment C, Initial Study).

Two issues were identified by the Initial Study as requiring mitigation: volume of traffic and parking.

Traffic Volume. The February 2005 Traffic Analysis concluded the proposed uses will increase the traffic volume if the school operates at historic full capacity; however, the increase is based on the school meeting its allowable limit of students, and is not directly linked to the proposed construction. Operating the private school at the maximum allowable capacity (354 students), would cause the number of Average Daily Trips to exceed 1,000, which is considered by staff as an indicator of an impacted residential neighborhood. As the current maximum is considered to be allowable based on the legal non-conforming status of the site, mitigation measures are limited to formalizing the cap for the maximum allowable number of students (see Attachment B, Condition of Approval 3.A).

Parking. The subject site was reconfigured to accommodate the parking demand for the proposed project. The parking requirements have been calculated based on weekday and weekend use. For the weekday use (83 spaces required), the calculations are based on the classrooms, with the synagogue, and expanded space for the administrative offices, library and computer lab to be ancillary uses to the site. The weekend calculation (72 spaces required) was based on use of the synagogue on its own, calculating the parking requirements for the joint use of the conference room and the assembly area. The applicant has committed to informing people who use the SPHDS property to park on-site only (see Attachment B, Condition of Approval 13.D).

The general neighborhood vicinity may be affected by the users of the municipal park and guests of the convalescent center. While this may impact the neighboring residents, it is not within the scope of this report to address parking demand for other neighborhood uses. Historically, the SPHDS has allowed the public to use their private parking lot when at the park while there are not other activities at the school property.

Less Than Significant Issues: Additional issues have been identified by staff as less than significant include: biological resources, noise and hydrology.

Biological Resources: The biological resources include the removal of protected trees, as defined in the City's tree preservation ordinance. Removal and replacement of trees may be allowable based on the expansion being a "reasonable use" of the property. The standard mitigation is that an equivalent number of trees that will be replanted for each tree removed (see Attachment B, Condition of Approval 10.I and 10.J).

Noise: The proposed project may result in a periodic increase in noise levels along the western property line given the location of the sanctuary; however the location of the sanctuary has been modified from the 1996 approved plan to be located further from the neighboring residences. The project will be required to meet the standard Code requirements for maximum noise levels (see Attachment B, Condition of Approval 3.B).

Hydrology: While the project will result in an increase in impervious surface and increased runoff, there is sufficient open space on the site to handle the increased runoff through on-site percolation (see Attachment B, Condition of Approval 10.M).

Use Permit

Use: The proposed use for the site is continuing the existing school and related activities. This application does not seek to expand the intensity of the allowable uses on the site; rather, to clarify and formalize how the existing uses will be better served by the proposed expansion of facilities and new construction.

SPHDS currently has 21 classrooms, which includes the 2 classes in the modular classrooms. The school also consists of administrative offices, a small library and computer room (formerly a classroom), and a multipurpose hall.

Educational and religious activities have taken place on the premises since the school opened in the early 1980s and are considered to be part of the legal non-conforming use on the site. During the week, the multipurpose room functions in various capacities, including a lunchroom, assembly hall, indoor gym, chapel/synagogue, exhibit hall, meeting room and party room. On weekends, the multipurpose hall is used as a synagogue, meeting room, party room and special events hall for speakers and lecturers.

The following table summarizes the current uses on the site.

Days of Operation	Hours of Use	Uses / Activities	Number of attendees
Monday - Friday	8:30 a.m. – 12:00 noon	Nursery, pre-school	100 (formerly 125)
Monday - Friday	Noon – 4:00 p.m.	Day care (for nursery, pre-school)	100 (formerly 125)
Monday - Friday	8:00 a.m. – 4:00 p.m.	Kindergarten and elementary school (grades 1 - 8)	160 (formerly 255)
Monday - Friday	4:00 p.m. – 5:00 p.m.	After school activities (K-8)	160 (formerly 255)

Days of Operation	Hours of Use	Uses / Activities	Number of attendees
Wednesday	7:30 p.m. – 9:30 p.m.	Youth group (ages 14-17)	20
Sunday - Friday	6:30 a.m. – 7:30 a.m.	Religious services for children & adults	20
Sunday – Thursday (4 per month)	6:00 p.m. – 10:00 p.m.	Meetings: Board, faculty, parent-teacher	Up to 50
Sunday – Thursday (2 per month)	6:00 p.m. – 10:00 p.m.	School plays, concerts, exhibits	Up to 200
Sunday – Thursday (3 per week)	6:00 p.m. – 10:00 p.m.	Lectures, adult education	Up to 20
Sunday – Thursday	One hour between 6:00 p.m. – 9:00 p.m. (sunset)	Religious services for children & adults	20
Friday	One hour between 6:00 p.m. – 9:00 p.m. (sunset)	Sabbath services	50
Saturday	9:00 a.m. – noon	Sabbath services	150
Sunday	1:00 p.m. – 6:00 p.m.	Youth activities (scouts, ages 9-15) use grounds (not classrooms)	200
Monday – Friday (mid-June to late-August)	8:30 a.m. – 6:00 p.m.	Summer camp for children	150
Annual (September or October)	Sunset to sunset	Major religious holidays (Rosh Hashanah, Yom Kippur)	200
Occasional (1 per month)	varies	Social and religious activities	200

According to the 1996 Planning Commission report, SPHDS has had a maximum enrollment of up to 354 students.

The proposed additions and new construction are to be an accessory use to the private school. The synagogue will serve the students and families of the school and has not been proposed as a building for non-school affiliated individuals or groups. It may be used for religious services, religious ceremonies, seminars and lectures. The seating requirement in the synagogue

is based on the 1,364 square feet being used as an assembly area and the conference room being limited to the 18 fixed seats as proposed.

The proposed additions to the administrative building will allow for:

- larger administrative office space, with no net increase in administrative staff;
- larger library which will continue to be used as an ancillary use to the school (one classroom that had previously been sub-divided to make space for a library will be re-converted back to a full-sized classroom);
- computer lab to be an ancillary use to the school; and
- construction of a new sanctuary (the existing auditorium is currently being used as a place of worship).

The additions to the school, including the administrative office, library, computer lab, and synagogue are to support the existing, primary use of the site as a private school. The additions proposed in this project are not to support an expansion of the enrollment at the school, or an expansion of activities or uses.

Site Layout: The South Peninsula Hebrew Day School is currently in operation on site in six one-story buildings that generally form a Y-shape on the site. The buildings include 6 childcare classrooms, 15 Kindergarten through 8th grade classrooms, administrative offices, an assembly hall, a small library and computer lab. The parking lot is located along the northern perimeter of the site, exiting onto Astoria Drive.

The administration offices and library are proposed as a second story to the existing administrative offices, which are located in the center of the building clusters. The proposed synagogue would be located in the north western section of the site. If completed, the site will have a total of 20 classrooms.

Setbacks for development on a P-F zoned site are based on the requirements of the strictest neighboring zoning district. This project is subject to the zoning requirements of an R-1 site with specified allowable modifications. The setbacks are increased by half a foot for each foot the building exceeds that maximum allowable height of the R-1 zone of 30 feet. Given the proposed height of 36.5 feet, the setbacks are increased by 3.5 feet. The proposed development meets the required setbacks for the site.

Stormwater Management: The site proposes less than one acre of additional development. Given that the application was deemed complete prior to the stormwater management requirements being reduced to 10,000 square feet of development, a formal Stormwater Management Plan is not required. However, the applicant is requested to include additional stormwater Best Management Practices into their design, but (see Attachment B, Condition of Approval 10.M).

Easements and Undergrounding: There is an abandoned easement that runs along the western boundary of the property, which allows ingress and egress to the municipal park. The original parcel map (recorded February 4, 1981) included a 30-foot easement. The easement is no longer in place as Cupertino School District filed a quitclaim deed with the Santa Clara County Office of Land Records on June 28, 1994. While this action released any and all rights to the easement, the applicant has indicated they intend to maintain the drive aisle for use by the City's Parks and Recreation Department to maintain the park fields and for emergency vehicle access, if needed by patrons of the park.

Per the requirements of the Sunnyvale Municipal Code, all proposed utility lines should be undergrounded as a part of this application (see Attachment B, Condition of Approval 19).

Architecture: The proposal involves the addition of a second-story on the existing administration area and construction of a new sanctuary. The design is an upgrade of the existing site to a more modern style. Construction materials and color will match the existing building or the entire exterior will be repainted or re-finished to allow for consistency in color and texture (see Attachment B, Condition of Approval 5).

Community Design Guidelines	Comments
<i>C.3.b. Encourage site plans to have a legible organization including focal points and features which provide direction and clarity about the use of the site.</i>	The design of the addition to the administrative offices and the synagogue and provide architectural focal points on the site.
<i>Policy C.4 Encourage quality architectural design which improves the City's identity, inspires creativity and heightens individual as well as cultural identity.</i>	The proposed additions visually enhance the site as a culture center which serves the approved school and religious education purposes.
<i>C.4.s. Encourage buildings where all of the design elements, such as colors, materials, style and ornamentation are unified and create cohesive, attractive and distinctive architecture.</i>	The proposed second story upgrades the look of the older-styled school and is compatible with the proposed design of the synagogue. Collectively, they upgrade the aesthetic features of the site for a more modern feel.
<i>C.5.f. Encourage new construction to be designed so that it minimizes the impact on the privacy of adjoining residential properties.</i>	The proposed synagogue exits directly to the parking lot and not towards the neighboring homes. The setback from the property line has been maximized. The landscape barrier will serve as an additional buffer.

Landscaping: A total of 37,810 square feet of landscaping is required for the site, which is equivalent of 20% of the lot area. The site currently has 98,863 square feet and has planned for a total of 86,295 square feet (46% of the lot area).

The site currently has 34 trees, 17 of which are protected heritage trees. Protected trees are those that measure 38 inches or greater in circumference (approximately 12 inches in diameter) when measured at four feet from the ground. The arborist report indicates that 6 of the 34 trees will need to be removed for the proposed construction (see Attachment G). One of the six is a protected tree. The tree is a Willow with a 14.9 inch diameter trunk that is listed in poor condition and recommended for removal based on its health status alone.

The applicant's arborist has recommended removing all 16 of the trees rated as "Fair" or less. Of those, 15 are rated "Fair", 1 is rated "Poor" (the aforementioned Willow), and none are rated "Very Poor". The tree listed as "Poor" (#22) has grown around a chain link fence, making it unstable. Tree #17 and 18 may be at risk, even with tree protection measures, given their proximity to the proposed construction (listed in Attachment G). The arborist recommends deep root fertilizer to mitigate the existing drought stress (#3-7, 9-13, 19-21) for 13 trees (see Attachment B, Condition of Approval 10.N). The plans for this project include preserving all other protected trees (see Attachment B, Condition of Approval 11).

The heritage trees that line the western boundary of the property are important in that they buffer the neighboring single-family residential homes from the uses on the site. The surrounding residences may be further buffered by providing additional trees along the northern and western boundaries (see Attachment B, Condition of Approval 10.G).

The project does not appear to meet the Sunnyvale Municipal Code requirement (19.38.070.d), to provide shading for at least 50% of parking lot spaces (see Attachment B, Condition of Approval 10.O). Only the expanded parking areas would be required to meet this requirement.

Parking: The parking lot is located on the northern perimeter of the site, with 2 outlets to Astoria Drive. The proposed design requires a total of 83 parking spaces, which will be provided by reducing some of the existing open space between the parking lot and the classrooms on the northeastern boundary of the site.

The parking requirements, indicated in the table below, are based on the additions being used as ancillary uses and not increasing enrollment nor

additional staffing. The determination was based on the site having two independent uses on weekdays and on weekends. The synagogue is to be used in conjunction with the school during school hours or as has historically occurred, a separate congregation use during weekends (Friday night through Sunday).

Weekdays

Use	Parking Ratio	Calculation	Total
Child Care (incl. church schools)	1 space/employee during max. shift + 1 space/14 students	2 teachers/class (6) + 150 students/14 = 12 + 11	23
Grades K-8	3 spaces/classroom	15 classrooms x 3 = 45	45
School Gyms and other facilities	1 space/3 fixed seats + 1 space/21 s.f. open area + 1 space/400 s.f. addl. area	Computer lab (22 stations/3) + Library (1 staff) + lobby + 8 offices = 4 + 1 + 0 + 8	15
TOTAL			83

Weekends

Use	Parking Ratio	Calculation	Total
Places of Assembly (Synagogue)	1 space/3 fixed seats + 1 space/21 s.f. open area + 1 space/employee + 1 space/special purpose vehicle	18 fixed seats/3 + 1364 sq.ft./21 + 1 + 0 = 6 + 65 + 1 + 0	72

The seating requirement for the Synagogue Conference room is based on a floor plan (A2.11) which indicates 18 fixed seats.

The parking lot is occasionally used by patrons of the municipal park, especially on weekends when there is little activity on the subject site. While SPHDS is under no obligation to provide the parking, their practice has been to allow others to use their parking lot.

Traffic. Astoria Drive has a fairly high use for a residential street. Based on the Traffic Analysis Study (Attachment G), the street currently receives over 900 Average Daily Trips per day (880 west of the school site and 936 east of the school site along Astoria). This use is based on a combination of factors, including the local residents (the street configuration in this area results in three additional streets exiting via Astoria), the private school, the municipal park, and the convalescent home located on the corner of Astoria and Wright Avenue.

One of the concerns raised by the neighbors of the site is the traffic impact the school has on the neighborhood. The site currently serves 260 students, with pick-up and drop-off times occurring during peak hours of 8:00 a.m. to 5:00 p.m. from Monday through Friday. Based on the Traffic Analysis Study, the Average Daily Trips would increase by 175 (west of site) and 214 (east of site) along Astoria if the school enrollment were at the maximum of 354 students. This would exceed 1,000 Average Daily Trips along Astoria Drive, which is a general practice standard for identifying when a residential street is considered to be impacted by traffic (see Attachment E).

Despite the potential impact of the additional students, it would be difficult to reduce the number of allowable students as the existing uses (including number of students) are a legal non-conforming use, and the proposed addition is conditioned to not allow for expanded use of the site. However, the maximum allowable number of students may be capped at the previously established maximum number of 354 students (see Attachment B, Condition of Approval 3.A).

It is also of note, though not directly linked to this application, that the municipal park and the convalescent center have an impact on both traffic congestion and on-street parking; however, neither can be addressed by this permit.

Compliance with Development Standards/Guidelines: Given that the site abuts a single family home, the development design guidelines for height and setbacks are those for a low density residentially zoned property with specified modifications. While the proposed height exceeds 30 feet, the Code makes allowances for the additional height by requiring an additional setback of 6 inches for every foot over the 30 feet limit. The proposed design meets the increased setback requirements.

The proposed project does not meet the requirements for parking lot shading and should include additional trees in the vicinity of the parking lot (see Attachment B, Condition of Approval 10.O).

Expected Impact on the Surroundings: With no expansion of the use, the development should not have an increased impact on the surrounding homes. Neighbors of the site have raised concerns about the impact of current practices on the site, including evening activities by youth and adults. Providing a larger facility (the new synagogue) may reduce evening noise levels by allowing for more usage of interior space for activities. This will, however, result in the source of the potential noise being located closer to the residences.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

The SPHDS hosted a community meeting on December 20, 2004. Staff was not informed of the meeting date prior to the meeting and was therefore not able to attend. Both the applicant and some neighbors submitted detailed notes on the issues addressed in the meeting (see Attachment I). The primary issues raised were traffic and the buffer between the proposed structure and the neighboring home.

Staff has received several emails and some telephone calls from concerned residents. A group of concerned neighbors submitted a joint letter with supporting documentation outlining their concerns (see Attachment J). It was from 51 neighbors; however, 2 of the neighbors subsequently requested that their names be removed from the letter. The letter raised several concerns with the project. They are addressed in the table below.

Neighbor Concerns	Staff Response
Current use of the site beyond that of simply a private school	The site has a legal, non-conforming use of providing both school and religious education/services. There is no existing Use Permit that restricts the current uses on the site.
Possible expanded use with construction of the synagogue	The project is conditioned not to allow an expansion of use on the site. This permit process will help to establish the current allowable uses, and will serve as a guideline to prevent the future expansion of uses.
Traffic congestion along Astoria	This will be impacted if enrollment increases; however, the current legal non-conforming status allows for up to 354 students for the school. The traffic along Astoria Drive is also impacted by the use of the municipal park and visitors to the convalescent center.
Nighttime noise from activities on the site	Both daytime and evening noise in the City is restricted by the Municipal Code. City staff should be contacted to address noise violations. During normal working hours, concerned residents should contact the Neighborhood Preservation Division; during off-hours, Public Safety should be contacted to address noise complaints.

Neighbor Concerns	Staff Response
Parking impacts in conjunction with park	While some of these impacts may be based on school activities, they may also be based on the proximity of the site to the municipal park and the convalescent home. San Antonio Park has no off-street parking. This will undoubtedly result in over-use of street parking for park users, especially during weekends and vacations. While the applicant has and continues to allow use of their parking lot during off-hours, there is no established requirement for them to do so.
Catering business on the subject site	The site is not licensed for a catering business. This would be an exception to the pre-existing use as a business requires a business license. This is an unpermitted use.

Standard noticing was also conducted for this project, as indicated below.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> Published in the <i>Sun</i> newspaper Posted on the site 121 notices mailed to the property owners and residents within 300 ft. of the project site and other interested parties. 	<ul style="list-style-type: none"> Posted on the City of Sunnyvale's Website Provided at the Reference Section of the City of Sunnyvale's Public Library. 	<ul style="list-style-type: none"> Posted on the City's official notice bulletin board City of Sunnyvale's Website Recorded for SunDial.

Conclusion

As a general introduction to this type of project, it is common for there to be some level of conflict when schools are located in residential areas. While schools provide a clear benefit to the community, they typically generate large quantities of traffic congestion in the mornings and afternoons, as well as noise from children playing during class breaks. This potential for conflict may be increased when the school does not serve a large number of nearby residents, such as in the case of many private schools.

When the applicant proposed a similar project 8 years ago, there were several concerns raised by surrounding neighbors. Several concerns have again been raised by the neighbors during the review of this application. The benefit of this undergoing this Use Permit process is that it provides an opportunity to formalize what uses are and are not permitted on the site, which may address some of the outstanding concerns that the neighbors have about current or potential uses on the site.

The issues of congestion associated with this site are further aggravated by the adjacent public park which has no parking facilities and the convalescent home located within a block of the site which occasionally has spill-over parking needs.

Not allowing for the expansion of use on the site is the basis for staff support of this application. While the site is identified as a private school, it actually serves as a school, religious center and community center to some degree. The current uses were established prior to the requirement of a Use Permit and are thus considered to be legal, non-conforming uses for the site.

The applicant has stated that they do not intend to expand the uses on the site, but would like to complete the construction to allow for a more comfortable setting and to better utilize their property for the established uses.

Staff strongly recommends formalizing the maximum enrollment limit to the pre-determined maximum of 354 students (see Attachment B, Condition of Approval 3.A).

Buffering the site from the surrounding properties is an important component of this application. Staff recommends requiring additional trees, including the replacement trees for the ones removed for construction, to be planted along the northern and western boundary of the site to further screen the neighboring properties from the proposed construction (see Attachment B, Condition of Approval 10.G).

The on-street parking impact appears to be in part due to the municipal park and the convalescent home, which are beyond the scope of this Use Permit. However, the application may be conditioned to require the applicant to inform all users of the site, including parents of the students and those who attend services and other activities, to park only on-site (see Attachment B, Condition of Approval 13.D and 18.A). For large events, such as a school play that might draw additional attendees, the applicant should develop and utilize a Transportation Management Plan, which includes carpooling or use of an off-site location to gather and transport participants (see Attachment B, Condition of Approval 18.A). Any major events not listed in the report as pre-existing

uses shall require a Temporary Use Permit from the City (see Attachment B, Condition of Approval 18.B).

It is of note that SPHDS typically reduces the street parking demand during weekends by allowing their private lot to be used by people using the municipal park, which is not required of them and for which they receive no compensation.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

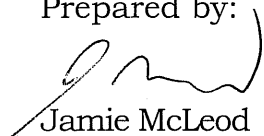
Alternatives

1. Adopt the Mitigated Negative Declaration and approve the Use Permit with attached conditions.
 2. Adopt the Mitigated Negative Declaration and approve the Use Permit with modified conditions.
 3. Adopt the Mitigated Negative Declaration and deny the Use Permit.
 4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.
-


Recommendation

Alternative 1.

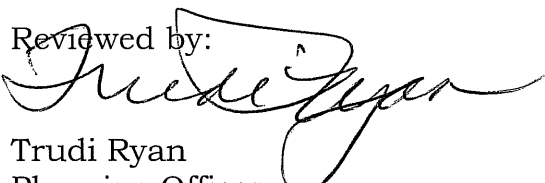
Prepared by:


Jamie McLeod
Project Planner

Reviewed by:


Gerri Caruso
Principal Planner

Reviewed by:


Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Mitigated Negative Declaration
- D. Site and Architectural Plans
- E. Average Daily Traffic Summary
- F. Traffic Analysis Study
- G. Tree Survey
- H. Letter from the Applicant
- I. Neighborhood Meeting
- J. Joint Letter of Concern from 51 Neighbors

Attachment A

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element. Policy C1.1:

Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.

Action Statement C1.1.2: Promote and achieve compliance with land use and transportation standards.

Action Statement C1.1.3: Require appropriate buffers, edges and transition areas between dissimilar neighborhoods and land uses.

Land Use and Transportation Element. Policy N1.14:

Support the provision of a full spectrum of public and quasi-public services (e.g. parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project is well designed and compatible with both the existing private school buildings and the surrounding properties. Activities and number of participants on the site are limited to the current uses, which are allowed by right as legal, non-conforming uses on the site (see Attachment B, Condition of Approval 1.H. and 3.A).
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the private school serves the educational and cultural needs of some of the residents of Sunnyvale. Further, the design provides for adequate setbacks, landscaping, and architectural design. The proposed building is to be used as a secondary use to the existing private school.

Attachment B

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- B. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development, major changes shall be approved at a public hearing.
- C. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- D. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission.
- E. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- F. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- G. Execute a Use Permit document prior to occupancy.
- H. Hours of operation of the chapel and library shall be consistent with the historic use of the property by the South Peninsula Hebrew Day School, as listed in the table under the "Use" section of this report (pages 9 and 10). All activities shall be directly related to the school and religious program sponsored by the SPHDS.
- I. Outdoor loudspeakers shall be prohibited.
- J. Upgrade trash enclosures serving the school building in accordance with City-Wise Guidelines and Building Code requirements. The

design shall be approved by the Director of Community Development prior to the issuance of Building Permits. Upgrading of enclosure shall be complete prior to issuance of Occupancy Permits.

- K. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
- L. Details of exterior building materials, color schemes and elevations shall be subject to the approval of the Director of Community Development prior to the issuance of Building Permits.
- M. Consult with the Crime Prevention Division of the Public Safety Department for crime prevention measures appropriate for the proposed development.
- N. During any construction, grading and demolition for this project, the hours of operation shall be limited to between 7:30 a.m. and 6:00 p.m. weekdays, 8:00 a.m. to 5:00 p.m. on Saturdays and Sundays. Such activities shall be prohibited on federally recognized national holidays.
- O. The allowable educational and religious uses are limited to those detail in the Uses section of the report. Any other uses will be deemed to be an expansion of use and shall require approval of a Use Permit with review by the Planning Commission.
- P. Provide an accessible path of travel between the new buildings and throughout the site.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain Building permits for any construction, demolition or grading done on site.
- B. Obtain necessary permits from the Department of Public Works for all proposed improvements, if necessary.
- C. Connect to all city utilities or private utilities operating under a City franchise which provide adequate levels of service, if any.
- D. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit.
- E. Obtain Fire Permits prior to issuance of Building Permits.
- F. Prior to issuance of a building permit, obtain approval from the Santa Clara County Environmental Health Department for all kitchen facilities.

- G. Owners of new construction shall file a Notice of Intent (NOI) with a vicinity map and the appropriate fee with the State Water Resources Control Board (State Water Board). The NOI must be filed prior to the commencement of construction.
- H. Applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) for the project. The SWPPP must be implemented at the appropriate level to protect water quality at all times throughout the life of the project. Non-storm water BMPs must be implemented year round. The SWPPP shall remain on the site while the site is under construction, commencing with the initial mobilization and ending with the termination of coverage under the permit.
- I. Submit an Urban Runoff Management Plan, including Non-industrial building non-structural Best Management Practices (BMPs), for approval prior to Building permits. Criteria to include avoiding copper roofing, gutters and trim.
- J. Implement and monitor Urban Runoff Management Plan during construction activities and on an ongoing basis after construction is complete.
- K. Plans submitted shall include a "Blueprint for a Clean Bay" prior to issuance of a grading permit.

3. ENVIRONMENTAL MITIGATION MEASURES

- A. Maximum allowable number of students that may be enrolled in the private school at any given time is limited to 354 students.
- B. The maximum allowable noise level shall be in compliance with the City's Noise Ordinance (SMC section 19.42.030).

4. ACCESSORY BUILDINGS

- A. The previously approved modular classroom shall be relocated on the site as noted in the plans and used for storage only. Prior to occupancy permits being issued on the new construction, the trailer shall be inspected and verified as storage use only.

5. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.
- B. Roof material shall be 50-year dimensional composition shingle, or as approved by the Director of Community Development.

6. EASEMENTS AND DEDICATIONS

- A. Maintain the existing ingress/egress right-of-way along the western property line to enable City and emergency vehicle access to the park.

7. EXTERIOR EQUIPMENT

- A. Individual air conditioning units shall be screened with architecture or landscaping features.
- B. Any modification or expansion of unenclosed uses shall require approval from the Director of Community Development.
- C. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure.

8. FEES

- A. Pay standard fees and taxes.

9. FENCES

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
- B. Only fences, hedges and shrubs or other natural objects 3 feet or less in height may be located within a "vision triangle" (For definition, refer to SMC 19.12.040(16), SMC 19.12.050 (12))

10. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development prior to issuance of a Building Permit and shall be subject to approval by the Director of Community Development. Landscaping and irrigation shall be installed prior to occupancy.
- B. Provide separate meter for domestic and irrigation water systems.
- C. A tree protection plan shall be submitted for any existing trees on the site. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits.
- D. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- E. Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development

- F. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- G. Provide trees at minimum 30 feet intervals along west and north property lines, except where mature trees already exist.
- H. Of new trees installed, 30% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- I. Any "protected trees", (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- J. For every tree that is removed, a replacement tree shall be planted on the site based on the approved landscape plan.
- K. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- L. All areas not required for parking, driveways or structures shall be landscaped.
- M. Include Best Management Practices (BMPs) in the landscape plan to minimize stormwater runoff from the site (recommended BMPs provided in the Sunnyvale Storm Water Quality BMP Guidance Manual).
- N. Provide deep root fertilizer treatment for 13 trees (#3-7, 9-13, 19-21) to mitigate the existing drought stress as detailed in the Arborist Report (see Attachment G).
- O. At least 50% of the parking lot shall be shaded at 15-year growth of trees.

11. TREE PRESERVATION

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for approval.
- B. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.

- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
1. An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
 2. All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
 3. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.
- F. A Tree Preservation Plan is required for all trees listed in the Arborist Report (Attachment G) in any proposed construction area. Tree preservation plan shall show all trees both those proposed for removal and those proposed to be preserved and protected. Specific details are needed to show that construction and paving around Coast Live Oak trees will not injure them. Mature trees should not be removed to provide parking. Parking configuration should be designed to preserve existing mature trees where possible. Maintenance shall continue on all existing trees during construction period.
- G. Parking lot shading requirements per Title 19.38 shall be required for all new and reconstructed parking areas

12. LIGHTING

- A. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
- i. Sodium vapor (of illumination with an equivalent energy savings).
 - ii. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
 - iii. Provide photocells for on/off control of all security and area lights.

- iv. All exterior security lights shall be equipped with vandal resistant covers.
- v. Wall packs shall not extend above the roof of the building.
- B. Lights shall have shields to prevent glare onto adjacent residential properties.
- C. Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements.

13. PARKING / CIRCULATION

- A. A total of 2 preferential parking spaces shall be reserved and so marked in the closest possible rows adjoining the building for exclusive use by carpool vehicles carrying at least two employees or two children per vehicle.
- B. Specify number of parking areas on the plans. All such areas shall be clearly marked. Employees shall be required to park on the site.
- C. Install stop signs at the exits of the parking lot for drivers merging onto Astoria Drive to reduce traffic hazards.
- D. Inform regular users of site (i.e. parents of students, scout troops, congregants, etc.) to park only in the school parking lot or to participate in the Transportation Management Plan (see Condition of Approval 18.A) for high-volume events.

14. BICYCLE PARKING

- A. Provide 12 Class I (bike lockers which protects the entire bicycle) and 11 Class II (bicycle rack) bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development.

15. RECYCLING AND SOLID WASTE

- A. Provide a waste/recycling enclosure per title 19.38.030, and submit plan for approval.
- B. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- C. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- D. The required solid waste and recycling enclosure shall match the design, materials and color of the main building.
- E. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.

16. SIGNS

- A. All existing or new signs shall be in conformance with Sunnyvale Municipal Code and shall be reviewed under a separate permit application.

17. STORAGE

- A. All exterior trash shall be confined to approved receptacles and enclosures.

18. TRANSPORTATION MANAGEMENT PLAN

- A. Develop a Transportation Management Plan (TMP) for high volume activities and submit to the Director of Community Develop for final approval. TMP must be approved and in place prior to issuance of Occupancy Permit.
- B. For events not listed in the table of current uses, apply for a Temporary Use Permit 30 days prior to event. If the event is likely to exceed parking lot capacity, demonstrate compliance with the Transportation Management Plan.

19. UNDERGROUND UTILITIES

- A. All proposed utilities shall be undergrounded prior to issuance of Occupancy Permits. Include undergrounding plan in submittal for Building Permits.
- B. Install conduits along frontage for Cable TV, electrical and telephone lines in accordance with standards required by utility companies, prior to occupancy. Submit conduit plan to Planning Division prior to issuance of a Building Permit.
- C. Conduit sizing and locations shall be included on street improvement plans. Submit one copy to the Planning Division.